



CRL OP(MD). No.2347 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE **MR. JUSTICE R. SAKTHIVEL**

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Nagairulvel,
S/o.Arumugam,
51, Kani Street, Tamilan Street,
Madurai 625009.
Rep by His Father/natural Guardian
Arumugam,
S/o.Erulandi,
51, Kani Street, Tamilan Street, Madurai.

... Petitioner/A11

Vs

The State of Tamil Nadu,
The Inspector of Police,
Tallakulam Police Station (L and O)
Madurai District.
In Crime No.767/2024.

... Respondent/Complainant

For Petitioner : Ms.A.S. Rajeswari,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :-

To enlarge the above said Petitioner/ Accused No.II on bail in JC No.9/2024 in Crime No.767/2024 pending before learned Principal Special Court for Exclusive Trial of Cases under POCSO Act, Madurai.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ Accused No.11 was arrested and remanded to judicial custody on 18.07.2024 for the alleged offences punishable under Sections 103(1) and 351(2) of BNS Act @ into Sections 191(2), 191(3), 103(2), 351(2), 249 of BNS Act r/w 83(ii) of the Juvenile Justice (Care and Protection of Children) Act, 2015, which were subsequently altered to Sections 61(2), 127(2), 253, 351(3), 103(1), 3(5) of BNS and Section 83(ii) of Juvenile Justice (Care and Protection of Children) Act in Crime No.767/2024 on the file of the Tallakulam Police (L &O) Police Station.

3. The case of the prosecution is that on 16.07.2024, at about 06.30 am., while the deceased namely Balasubramanian, his wife and his brother were walking near

Vadamalayan Hospital at Vallabai Road, the accused persons inflicted fatal injuries



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upon the deceased by stabbing him with a sword. The deceased was taken to the hospital but he died. Hence the complaint.

4. Ms.A.S.Rajeswari, learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 18.07.2024 and he is ready to obey the condition to be imposed by this Court and prays for granting bail to the petitioner.

5. *Per contra*, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police, submits that totally 11 accused persons involved in this case. The petitioner has two previous cases. He has played a crucial in the crime. He further submits that the trial is in progress. At this stage, if the petitioner is released on bail, he will cause threat to the witnesses and thereby, delay the trial. Hence, the learned Additional Public Prosecutor strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the records.



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7. The petitioner has two previous cases. According to the prosecution case, the petitioner and 10 more persons conspired and committed the offence of murder in a day light. Considering the nature and gravity of the offence allegedly committed by the petitioner and others, and the alleged role played by the petitioner, this Court is of the view that if the petitioner is released from Juvenile Justice Home, Madurai, he may cause threat to the witnesses and thereby, cause delay the trial of the main case. Considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail at this stage of the case. Hence, this Criminal Original Petition is dismissed.

sd/-
06/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK
TO

- 1 THE PRINCIPAL SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION (L AND O)
MADURAI DISTRICT.



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- 3 THE OFFICER INCHARGE,
JUVENILE JUSTICE BOARD, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2347 of 2025
Date :06/02/2025

SS/SKN/SAR- /20/02/2025/ 5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023